

ZB# 06-44

John Petutis

8-4-9

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 8-28-06

06-44 John Petutis (AREA)
238 Summit Dr. (8-4-9)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 8-4-9

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

JOHN & TINA PETUTIS

AREA

CASE #(06-44)

WHEREAS, JOHN & TINA PETUTIS, owner(s) of 238 Summit Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request 10 ft. Rear Yard Setback for existing pool deck at 238 Summit Drive in an R-4 Zone (8-4-9)

WHEREAS, a public hearing was held on AUGUST 28, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 zone.
 - (b) There has been a deck in this location for approximately 4-5 years, during which time there have been no complaints, either formal or informal, about the deck.
 - (c) In constructing the deck, the applicant will not remove any trees or substantial vegetation.

- (d) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (e) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (f) With the deck, the house will be similar in size and nature to other houses in the neighborhood.
- (g) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probable fall and sustain serious physical injury if the deck were not in place.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request 10 ft. Rear Yard Setback for existing pool deck at 238 Summit Drive in an R-4 Zone (8-4-9) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 28, 2006

A handwritten signature in cursive script, appearing to read "Michael S. Kane", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: June 8, 2006

APPLICANT: John & Tina Petutis
238 Summit Drive
New Windsor, New York 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: June 1, 2006

FOR : John & Tina Petutis

LOCATED AT: 238 Summit Drive

ZONE: R-4 **Sec/Blk/ Lot:** 8-4-9

DESCRIPTION OF EXISTING SITE: EXISTING POOL DECK

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 USE/BULK TABLE R-4 ZONE LINE 6 COLUMN G. REQUIRED REAR YARD SET BACK 50' EXISTING REAR YARD SETBACK 40'. A VARIANCE OF 10' IS REQUIRED.

Louis J. Kimbrell
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

USE VARIANCE
REQUEST:

ZONE: R-4 USE: POOL DECK

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 50'

40'

10'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

Pool Deck

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit fee.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 01 2006

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2006-551

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

John Petuts

Address

238 Summit Dr

Phone #

845 569 8443

Mailing Address

Same

Fax #

Name of Architect

Address

Phone

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the West side of Summit Dr.
and 300 (N, S, E or W) feet from the intersection of ONA LN.

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒

3. Tax Map Description: Section 4 Block A Lot 18

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Single Family b. Intended use and occupancy Same.

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$2000

Fee \$50
Cash

PAID

1 / 1
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

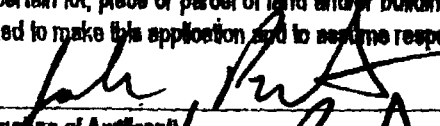
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louie Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

238 Summit Dr
(Address of Applicant)


(Owner's Signature)

SAME

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

see survey

W

E

S

I hereby certify to the Provident Savings and Loan Association of Haverstraw, New York, and the American Title Insurance Company that the house is located entirely within the bounds of the lot as shown.

By

Laden D. G. L.S.
N.Y.S. License No. 37214

NORTH

LANDS. NEWBURGH SCHOOL DIST.

N 6° 01' 05" W

47.40'

N 5° 29' 22" E 15.42'

N 5° 30' 39" E 82.22'

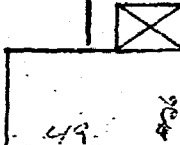
S 86° 08' 36" W 144.92'

133.67'

N 86° 08' 36" E

HOUSE COMPLETED
~~HOUSE UNDER CONSTR.~~

DECK



354

POOL DECK 16'
HOUSE DECK 12'

17

28

- 72

44'

251.28' TO ONA LANE

S 5° 15' 22" E 130.0'

SUMMIT DR.

SURVEY FOR

BLOCK A LOT 18

SECTION 4

PARK HILL

TOWN OF NEW WINDSOR

COUNTY OF ORANGE

SCALE - 1" = 50'

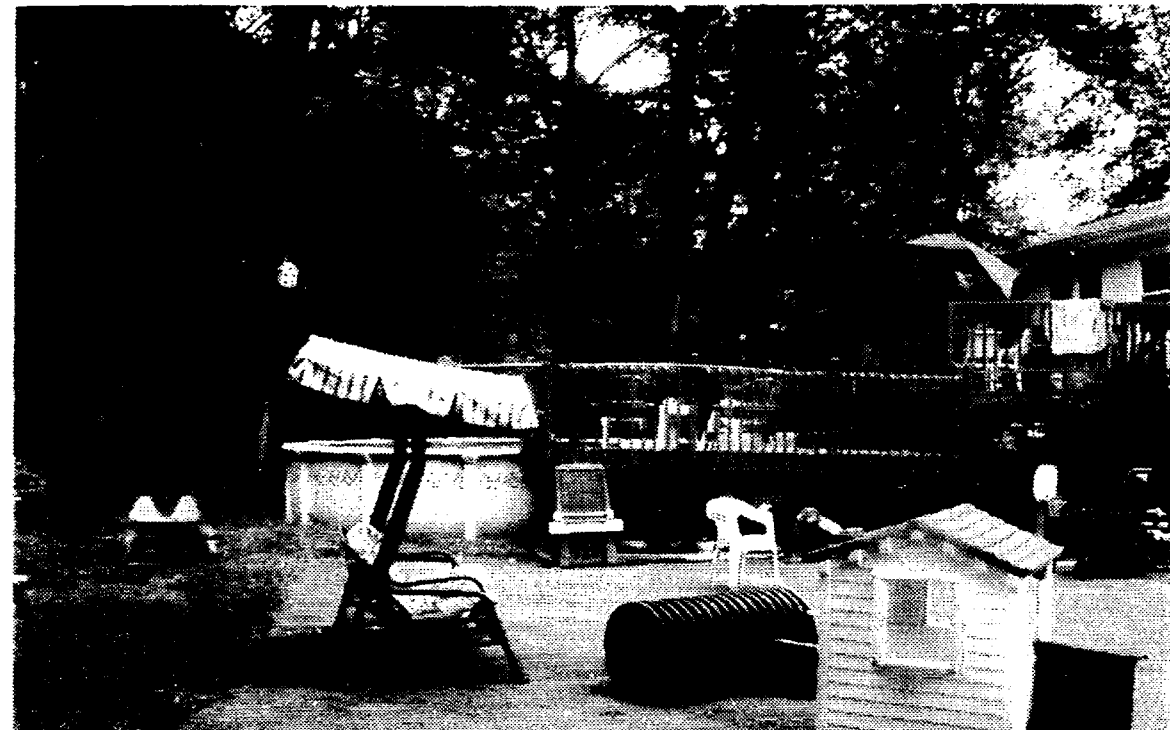
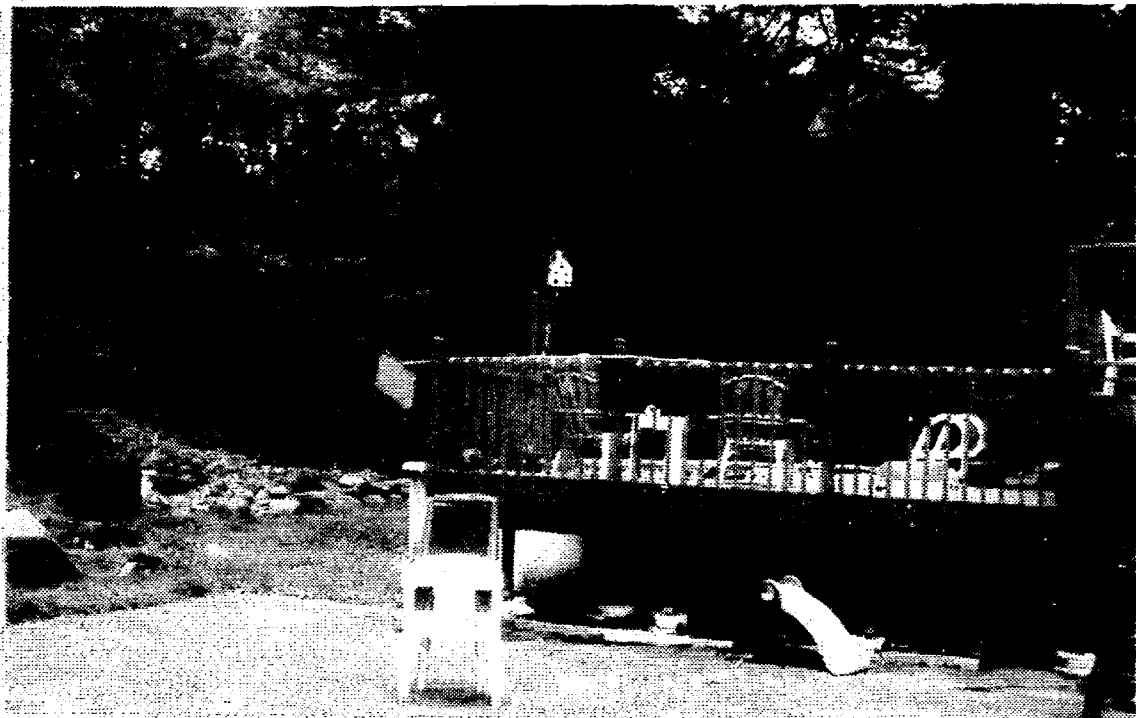
DEC 22 1972

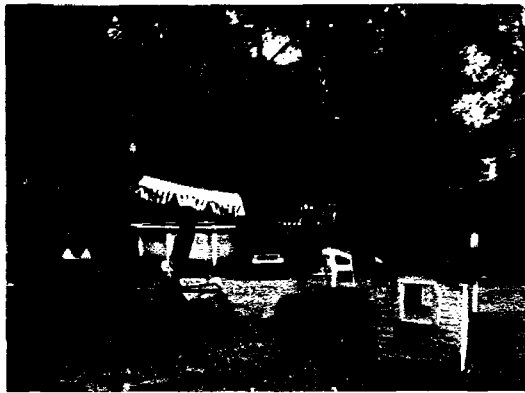
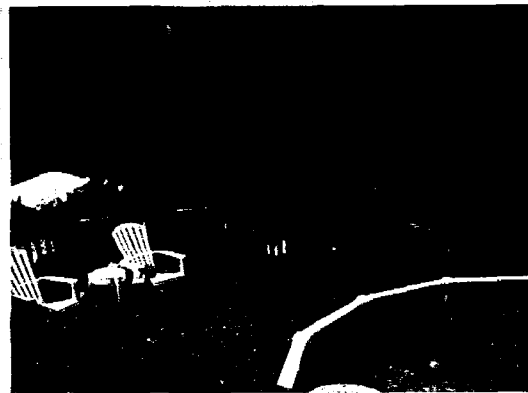
REVISED 3/14/73

EUSTANCE & HOROWITZ, P.C.



OR





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 177.68 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-44

NAME & ADDRESS:

**John & Tina Petutis
27 Baird Ct.
Walden, NY 12586 ** NEW ADDRESS****

THANK YOU,

MYRA

L.R.10-24-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-44 TYPE: AREA TELEPHONE: 569-8443

APPLICANT:

John & Tina Petutis
238 Summit Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #4327
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 4331



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u>—</u>	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u>—</u>	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 08-08-06 \$ 10.32

TOTAL: \$ 52.32 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 122.32

AMOUNT DUE: \$ _____

REFUND DUE: \$ 177.68

Cc:

L.R. 10-24-06

August 28, 2006

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JOHN & TINA PETUTIS (06-44)

Mr. John Petutis appeared before the board for this proposal.

MR. KANE: Request for 10 ft. rear yard setback for existing pool deck at 238 Summit Drive. Tell us what you want to do, just like the preliminary meeting.

MR. PETUTIS: I request a 10 foot variance change for my rear existing pool deck that backs up to a wooded area.

MR. KANE: Is there anybody in the audience for this hearing? Okay, thank you. How long has the deck been up, sir?

MR. PETUTIS: About four or five years.

MR. KANE: Cut down any trees, substantial vegetation in the building of the deck?

MR. PETUTIS: No.

MR. KANE: Create any water hazards or runoffs?

MR. PETUTIS: No.

MR. KANE: Have there been any complaints about the deck formally or informally?

MR. PETUTIS: No.

MR. KANE: Any easements going through the area where the deck is?

MR. PETUTIS: No.

MR. KANE: You understand that if your variance is granted you still have to pass inspection by the

building department?

MR. PETUTIS: Correct.

MR. KANE: At this point, I will open and close the public portion of the meeting, seeing as there's no one here, and ask Myra how many mailings we had.

MS. MASON: On August 7, I mail out 46 envelopes and had no response.

MR. KANE: Any further questions from the board? Is the deck itself by the pool, is that off the back of your house?

MR. PETUTIS: Yes, it's attached.

MR. BABCOCK: That's the reason why he's here, you actually can walk across the house deck onto the pool deck into the pool so it's considered part of the house, that's the reason for the setback.

MR. KANE: So now it becomes a safety issue too?

MR. BABCOCK: That's correct.

MR. PETUTIS: I had had the building inspector, Lou, I forget his last name, he had me make changes to the railing between the two decks and I had to make regular changes and he came back and checked them.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. GANN: I will offer a motion that we grant John and Tina Petutis their variance request for 10 foot rear yard setback for existing pool deck at 238 Summit Drive.

MS. LOCEY: I'll second that motion.

August 28, 2006

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ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

JOHN & TINA PETUTIS (06-44)

MS. GANN: Request 10 ft. rear yard setback for existing pool deck at 238 Summitt Drive.

Mr. John Petutis appeared before the board.

MR. PETUTIS: I'm here tonight in error, I built, I'm John Petutis, 238 Summit Drive, New Windsor, New York. In error I built a pool deck, the deck is 40 feet from the rear property line which the property behind my house is the Temple Hill School which is probably 1,000 feet from the school cause it goes all the way back. It's a 50 foot variance, I want, I'm applying for a ten foot variance so to keep the deck and get it approved, I don't feel it will have any impact on the property behind me or people on the two sides of me, there's plenty of room on both sides.

MS. GANN: Is that why he's here this evening?

MR. BABCOCK: Well, actually, the pool deck is attached to his house deck which makes it part of the setback, the pool deck is only required if it's not attached to be ten feet from the property line, since it's attached, it's required to be 50 feet from the property line and that's what hurts him. He's 40 feet so if he moved it back 30 feet and disconnected it he would be legal so as far as the distance from the property line really isn't an issue, it's the idea that it's attached to the house deck which most people like to have that they want to walk out on the deck and go swimming.

MR. PETUTIS: Deck has self-closing, self-locking.

MS. GANN: When did you build the deck?

MR. PETUTIS: Last year in an error of advice from friends that said you didn't need it but I found out and it's costing me much anguish.

July 10, 2006

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MR. BABCOCK: Well, he will be subject before he gets a building permit or gets a certificate to our inspection of the gates and latches.

MR. KRIEGER: Wasn't built on top of any easements?

MR. PETUTIS: No.

MS. GANN: Did it create any water hazards when you built the deck?

MR. PETUTIS: No.

MS. GANN: Are they similar in size to other decks that are in your neighborhood?

MR. PETUTIS: Yes.

MS. GANN: And this second deck goes right to the pool?

MR. PETUTIS: Right, the pool was here, that picture's taken from this angle so here's the deck, here's the edge of the railing and house deck, here's the edge of the house deck, here's the pool deck, that's this view over here.

MS. GANN: Any other questions from the board?

MR. LUNDSTROM: One question, would it be an easy task or hardship to tear the second deck down that's attaching the pool and move it?

MR. PETUTIS: It probably could not be moved, it would have to be torn down and probably rebuilt.

MR. LUNDSTROM: It would not be an easy task?

MR. BABCOCK: No, it's sitting on all footings so it would be quite the chore and then his pool he wants the

July 10, 2006

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deck for the pool so he'd have to put it on the outer side just probably wouldn't work.

MR. LUNDSTROM: Just wanted to get it on the record.

MS. GANN: I'll accept a motion.

MR. TORPEY: I will make a motion for John and Tina Petutis for a request for 10 foot rear yard setback for existing pool deck at 238 Summit Drive in an R-4 zone for public hearing.

MR. LUNDSTROM: Second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. GANN	AYE



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
9/12/2006	8191

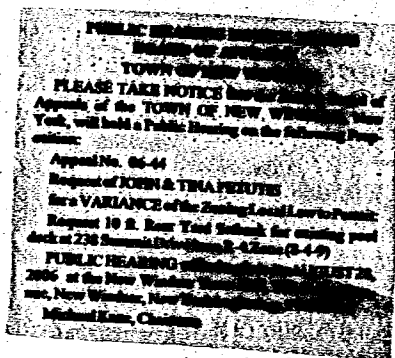
Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

PO: 45916
MM 45916

P.O. No.	Terms	Project
45916 46225	Due on receipt	

Issue Date	Description	PCS/Units	Amount
8/8/2006	LEGAL ADS: JOHN & TINE PETUTIS 1 AFFIDAVIT	6.32 4.00	6.32 4.00
		RECEIVED OCT 2 2006 TOWN OF NEW WINDSOR COMPTROLLER'S OFFICE	
		Total	\$10.32

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218



State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1
in said newspaper, commencing on
the 8 day of Aug A.D., 2006
and ending on the 8 day of Aug
A.D. 2006

Patricia Quill

Subscribed and shown to before me
this 18th day of Sept, 2006 .

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

My commission expires



RESULTS OF Z.B.A. MEETING OF:

August 28, 2006

PROJECT: John Petrus

ZBA # 06-44

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) _____ S) _____

VOTE: A _____ N _____

GANN _____

LUNDSTROM _____

LOCEY _____

TORPEY _____

KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED:

M) 6 S) 4 VOTE: A 5 N 0.

GANN A

LUNDSTROM A

LOCEY A

TORPEY A

KANE A

CARRIED: Y _____ N _____.

No Public Comment

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MR. & MRS. JOHN PETUTIS

**AFFIDAVIT OF
SERVICE
BY MAIL**

#06-44

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 7TH day of AUGUST, 2006, I compared the 46 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

28th day of August, 20 06

LISA R. DISTEFANO
Notary Public, State Of New York
No. 01DI6050022
Qualified In Orange County
Commission Expires 10/30/ 06

Lisa R. DiStefano
Notary Public

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 06-44

Request of JOHN & TINA PETUTIS

for a VARIANCE of the Zoning Local Law to Permit:

Request 10 ft. Rear Yard Setback for existing pool deck at 238 Summit Drive in an R-4 Zone (8-4-9)

PUBLIC HEARING will take place on AUGUST 28, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101
J. Todd Wiley, IAO

Assessor's Office

July 12, 2006

John & Tina Petutis
238 Summit Drive
New Windsor, NY 12553

Re: 8-4-9 ZBA# 06-44 (46)

Dear Mr. & Mrs. Petutis:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00 minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/baw
Attachments

CC: Myra Mason, Zoning Board

4-2-7.1

Newburgh Enlarged School District
Att: E. Phillips
124 Grand Street
Newburgh, NY 12550

4-2-8.2

Charles & Rose Daidone
250-260 Temple Hill Rd
New Windsor, NY 12553

4-2-9

The Moshe Isaac Foundation
1102 Teaneck Road
Teaneck, NJ 07666

4-2-10

James & Marion Willis
51 Ona Lane
New Windsor, NY 12553

4-2-11.1

Phyllis Larkin
32 Ona Lane
New Windsor, NY 12553

4-2-11.2

Robert & Mary Suphan
30 Ona Lane
New Windsor, NY 12553

4-2-11.31

Marcia Barracks
49 Ona Lane
New Windsor, NY 12553

4-2-11.33

Richard & Marilyn LaBorde
41 Ona Lane
New Windsor, NY 12553

4-2-11.34

Victor & Irene Dicesare
43 Ona Lane
New Windsor, NY 12553

4-2-11.35

Jesus & Kimberly Rivera
47 Ona Lane
New Windsor, NY 12553

4-2-11.36

Andy & Alison Cheung
45 Ona Lane
New Windsor, NY 12553

4-2-11.37

Anthony Martelli
39 Ona Lane
New Windsor, NY 12553

4-2-11.38

Ozden & Jale Dokuzlar
37 Ona Lane
New Windsor, NY 12553

4-2-11.39

Sunil & Latisha Bangari
54 Park Hill Drive
New Windsor, NY 12553

4-2-11.4

Peter & Victoria Sorriento
52 Park Hill Drive
New Windsor, NY 12553

4-2-11.41

John & Anna Koptula
50 Park Hill Drive
New Windsor, NY 12553

4-2-11.42

Stephen & Sherri Danny
48 Park Hill Drive
New Windsor, NY 12553

4-2-11.43

William Vazquez & Genara
Dominguez
46 Park Hill Drive
New Windsor, NY 12553

4-2-11.44

Joseph & Marjorie Landry
44 Park Hill Drive
New Windsor, NY 12553

8-3-12

Michael & Georgianna Grogan
35 Ona Lane
New Windsor, NY 12553

8-3-13

Robert Savage
33 Ona Lane
New Windsor, NY 12553

8-3-14

William & Cynthia Sunderlin
31 Ona Lane
New Windsor, NY 12553

8-4-4

Eniel Celestin
72 Highland Ave
New Rochelle, NY 10801

8-4-5

Yun Suk & Walter Huddy II
230 Summit Drive
New Windsor, NY 12553

8-4-6

Alfred Kuntz
232 Summit Drive
New Windsor, NY 12553

8-4-7

Thomas & Anita Confrey
234 Summit Drive
New Windsor, NY 12553

8-4-8

David Sweeney
236 Summit Drive
New Windsor, NY 12553

8-4-10

Rene Janofsky
240 Summit Drive
New Windsor, NY 12553

8-4-11.1

William & Jan Bosserdet
242 Summit Drive
New Windsor, NY 12553

8-4-11.2

County of Orange
255-275 Main Street
Goshen, NY 10924

8-4-12
Robert Freer
28 Ona Lane
New Windsor, NY 12553

8-5-3
Elizabeth Moglia
18 Ona Lane
New Windsor, NY 12553

8-5-4
John & Nancy Pagano
4 Clara Ct.
New Windsor, NY 12553

8-5-5
Harvey & Jennifer Tibbs
5 Clara Ct
New Windsor, NY 12553

8-5-6
Freda Barber
3 Clara Ct
New Windsor, NY 12553

8-5-7
Fred Lorz Jr.
20 Ona Lane
New Windsor, NY 12553

8-5-8
John & Phyllis Drennen
22 Ona Lane
New Windsor, NY 12553

8-5-9
Ciro & Donna Damone
24 Ona Lane
New Windsor, NY 12553

8-5-10
Robert & Francine Schulze
26 Ona Lane
New Windsor, NY 12553

8-5-11
Thomas & Phyllis Rycroft
233 Summit Drive
New Windsor, NY 12553

8-5-12
Leonard & Arlene Revitz
231 Summit Drive
New Windsor, NY 12553

8-5-13
Norman & Connie Dupree
229 Summit Drive
New Windsor, NY 12553

8-5-14
Stephen & Linda Kelly
227 Summit Drive
New Windsor, NY 12553

8-5-15
John & Susan Clark
225 Summit Drive
New Windsor, NY 12553

8-5-16
Kevin & Donna Byrnes
223 Summit Drive
New Windsor, NY 12553

8-5-17
Rochelle Penny & Allen Zwickel
221 Summit Drive
New Windsor, NY 12553

TOTAL CHARGES: _____

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-05-06

FOR: ESCROW 06-44

FROM:

John & Tina Petutis
238 Summit Drive
New Windsor, NY 12553

CHECK FROM:


SAME

CHECK NUMBER: 4331

TELEPHONE: 569-8443

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

7/6/06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#552-2006

07/06/2006

Petutis, Tina ZBA #06-44

Received \$ 50.00 for Planning Board Fees, on 07/06/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

July 5, 2006

John & Tina Petutis
238 Summit Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-44

Dear Mr. & Mrs. Petutis:

This letter is to inform you that you have been placed on the July 10th, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

238 Summit Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

6/13/06
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

John + Tina Petuts

Phone Number: (845) 569 8443

Fax Number: ()

(Name)

238 Summit Dr

(Address)

II. Applicant:

Phone Number: ()

(Name)

Fax Number: ()

(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

(Address)

V. Property Information:

Zone: R-4 Property Address in Question: _____

Lot Size: _____ Tax Map Number: Section 8 Block 4 Lot 9

a. Is pending sale or lease subject to ZBA approval of this Application? _____

b. When was property purchased by present owner? 7/17/99

c. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	50'	40'	10'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

I Believe ZBA should grant me this variance because it will have no impact on the neighbors or the environment. The property which it is so close to is a very big wooded area owned by the school district and there still will be a 40' area between the school wooded area and the deck. The wooded area probably never be used because it does not have good access.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
 - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

16 day of June 2006.

 391-671-707
Owner's Signature (Notarized)

Owner's Name (Please Print)


Signature and Stamp of Notary

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877

Qualified in Orange County
Commission Expires July 8, 2006

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR John Petritis	2. PROJECT NAME
3. PROJECT LOCATION: New Windsor New York Municipality 238 Summit Dr County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 238 Summit Dr New Windsor NY 12553	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration Added Pool Deck	
6. DESCRIBE PROJECT BRIEFLY: Pool Deck will be within the 50' variance of the rear yard. 10' variance	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly within 50' rear yard variance	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: John Petritis Date: 6/13/04 Signature: [Signature]	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <p style="text-align: center;">NO</p> C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <p style="text-align: center;">NO</p> C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <p style="text-align: center;">NO</p> C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <p style="text-align: center;">NO</p> C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <p style="text-align: center;">NO</p> C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <p style="text-align: center;">NO</p> C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: <p style="text-align: center;">None</p>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)
6/13/06 Date	

6/26 027/10



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR FURTHER INSTRUCTIONS.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

WHEN YOU COME IN WITH YOUR ENVELOPES, PLEASE ALLOW TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR INSTRUCTIONS ON COMPLETION. PLEASE ALLOW YOURSELF TIME TO PUT THE NOTICES IN THE ENVELOPES WHILE HERE, THEN YOU WON'T HAVE TO RETURN AGAIN.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.